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REMARKS

In an Office Action dated February 12, 2004, (paper no. 6) the Examiner rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over Rinchiuso et al. (U.S. patent no. 6,144,651, hereinafter referred to as "Rinchiuso") in view of Chinitz et al. (U.S. patent no. 5,914,958, hereinafter referred to as "Chinitz"). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over Rinchiuso in view of Chinitz. Specifically, with respect to claim 1, the Examiner stated that Rinchiuso teaches a method for assigning a remote unit a channel within a wireless communication system, the method including receiving multiple uplink transmissions from multiple remote units involved in a group call (FIG. 1 and col. 3, lines 18-34) and determining the remote unit from the multiple remote units (col. 4, lines 11-33 per the preceding Office Action). The Examiner acknowledged that Rinchiuso does not teach determining the remote unit based on an energy of the remote unit's uplink transmission and assigning the remote unit a high data rate uplink channel based on the determination. However, the Examiner contended that Chinitz discloses determining a remote unit based on an energy of the remote unit's uplink transmission (group member D inbound is determined in high rate) and assigning the remote unit a high data rate uplink channel based on the determination (FIG. 5 and col. 6, line 59 to col. 7, line 9).

The applicants respectfully disagree with the Examiner's interpretation of Rinchiuso and Chinitz. First, nowhere does Rinchiuso teach determining a remote unit from multiple remote units for the purpose of assigning the remote unit a high data rate uplink channel. The section of Rinchiuso cited by the Examiner in the preceding Office Action (that is, col. 4, lines 11-33) merely teaches that a base station receives a request from a remote unit to join a multicast session and, in response to receiving the request, determines whether the base station has already subscribed to the session (for example, the base station may have subscribed to the session in response to receiving an earlier request to join the session from another remote unit). If the base station has already subscribed to the session, the base station conveys an acknowledgment to the remote unit informing of a downlink channel that will be used by the base station to convey the

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multicast data. If the base station has not subscribed to the session, the base station conveys an upstream request to join the multicast session, and in response to joining the session, conveys the acknowledgment to the remote unit. Nowhere does Rinchiuso teach a determining of a remote unit from the multiple remote units or any basis for making such a determination, let alone a determining of a remote unit from the multiple remote units for the purpose of assigning the remote unit a high data rate uplink channel.

Chinitz teaches an infrastructure that receives a request from a mobile station for a group call. In response to receiving the request, the infrastructure assigns a low rate inbound signaling link, that is, a control link, to the other members of the group and permits the group member setting up the call to transmit over a full rate inbound link. The FIG. 5 referenced by the Examiner is just an example of one member (group member D) talking over the inbound full rate link while the other group members or mobile stations (that is, group members A, B, and C) are connected by low rate inbound signaling links. Nowhere does Chinitz teach anything concerning determining a remote unit from among multiple remote units for access to a same inbound channel, let alone determining the remote unit based on an energy of the remote unit's uplink transmission and assigning the remote unit the high data rate uplink channel based on the determination.

Furthermore, neither Rinchiuso nor Chinitz teaches anything in regard to a high data rate channel. Rinchiuso teaches that a base station may convey the data to the remote unit via either a downlink fundamental channel or a downlink supplemental channel, as the circuitry referred to therein is downlink channel circuitry for transmission of information by the base station to the remote unit. As is known in the art, depending upon a number of remote units subscribing to a multicast session and that are serviced by a base station, the base station may either broadcast the multicast data to all subscribing remote units via a downlink common channel or may individually convey the multicast data to each subscribing remote unit via a downlink fundamental channel. Nowhere does Rinchiuso make mention of high data rate *uplink* channels, let alone teach an assigning a remote unit a high data rate *uplink* channel. Chinitz merely teaches providing the group member setting up the call with a conventional traffic link (as opposed to the singaling

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links assigned to the other group members). Chinitz teaches nothing concerning, let alone how to assign, a high data rate uplink channel.

Therefore, neither Rinchiuso nor Chinitz, individually or in combination, teach the limitations of claim 1 of determining the remote unit from the multiple remote units, wherein the remote unit is determined based on an energy of the remote unit's uplink transmission, and assigning the remote unit a high-data-rate uplink channel based on the determination. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-6 depend upon allowable claim 1, the applicants respectfully request that claims 2-6 may now be passed to allowance.

Claim 7 provides for determining, from multiple uplink transmissions, a remote unit having a highest energy transmission and assigning the remote unit a second uplink communication signal based on the determination. As noted above, these limitations are nowhere taught by Rinchiuso or Chinitz, individually or in combination. Accordingly, the applicants respectfully request that claim 7 may now be passed to allowance.

Since claims 8-10 depend upon allowable claim 7, the applicants respectfully request that claims 8-10 may now be passed to allowance.

Claim 11 provides a logic unit that assigns a remote unit a high speed data channel based on an energy of the remote unit's uplink transmission. As noted above, nowhere does Rinchiuso or Chinitz teach assigning a high speed data channel to a remote unit based on an energy of the remote unit's uplink transmission. Accordingly, the applicants respectfully request that claim 11 may now be passed to allowance.

Since claims 12-14 depend upon allowable claim 11, the applicant respectfully requests that claims 12-14 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the

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Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

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